

**EXHIBIT 5**

## Audit and Monetary System

Welcome Susan Cias (Build: R20160510A)

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## Contact Log

## Basic Information

Case # [LS13 2014005000](#)[Contact Log](#)[Electronic Documents](#)

Kum Gang San (FEIN [REDACTED])

Initial Claim # [LCM14006249](#)

Status: Pending Payment

[Append New Claim To Case](#)

## New Entry

Entry Type: [Contact](#)

Please keep comments within 3500 characters

Contact Type\* [-- Select --](#)Contact Date\* [/ /](#)

Comments

Follow Up/Reminders [/ /](#)

File

[Browse...](#)

File Description

Send Tickler To [-- Select --](#)Assigned Investigator ☒Send Duplicate Tickler To [-- Select --](#)

Send Comment

[Submit](#)

## Contact Log

Date	Entry	Follow Up/Reminder
06/06/2016	Contact -Email (Entry updated 06/06/2016 by BCCLT3) File scanned and uploaded to LS1 shared folder in response to FOIL request	
06/07/2016	Contact -Admin Action (Entry updated 06/07/2016 by USBAP3) File scanned and uploaded to LS1 shared folder in response to FOIL request	
05/09/2016	Event -Misc (Entry updated 05/09/2016 by BCABSJ) Account search completed for responsible parties, uploaded to e-docs	
03/18/2016	Contact -Admin Action (Entry updated 03/18/2016 by bcshlg) I returned the physical OTC folder to the filing cabinet today	
03/17/2016	Contact -Email (Entry updated 03/17/2016 by bcshlg) Bond Demand referral package to Deputy Commissioner Rogers with cc to R. Nathanson and M. McCann. Copy uploaded to E-Docs	
03/14/2016	Contact -Admin Action (Entry updated 03/14/2016 by bcshlg) Returning case to clerical staff for filing in active OTC drawers	
03/07/2016	Contact -Admin Action (Entry updated 03/07/2016 by bcshlg) Note to staff: I have put this case file and am working on it for a potential bond demand referral. If you need the file, it is in my office.	
03/03/2016	Event -Misc (Entry updated 03/03/2016 by BCDPT3) ? Kum Gang Inc. "locates at 13828 Northern Blvd, Flushing is still in business because when called to ask for their business hours, the person who answer the phone(718-461-0909) said the business is open 24 hours a day. A call made to 718-321-7171 was direct to business voice mail. However, the telephone on WPM (212-987-0909) is not working.	
03/03/2016	Contact -Email (Entry updated 03/03/2016 by bcshlg) Email to PM Tang requesting that he conduct some research to determine if this company is still in business or not (reviewing for possible bond demand referral)	
02/12/2016	Event -Judgment Eligible (Entry updated 02/12/2016 by BCDTS3) NO notification of IBA and NO payment received. As such, notified W. Munandi and Supervisor	

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	Labunski that case is ready for judgment prep Mailed LS-24 Case Management Letter to originating claimant	
01/14/2016	Event -Claimant Update (Entry updated 01/14/2016 by usdmmw ) Jaime Peralta (1427341) had their ack letter changed by Michelle Wisey	
01/14/2016	System Log -Case Management Letter Update (Entry updated 01/14/2016 by usdmmw ) Jaime Peralta (1427341) has been flagged with 'Returned from post office'	
11/12/2015	Event -Order to Comply Issued (Entry updated 11/12/2015 by BCCLT3 ) Mailed and uploaded the approved OTC  15-01074[1].doc	01/12/2016
11/12/2015	Event -Misc (Entry updated 11/12/2015 by BCDTS3 ) Reviewed and approved OTC forwarded to Lisa for mailing	
11/10/2015	Event -Order to Comply Issued (Entry updated 11/10/2015 by usdmmw ) Order no 15-01074 Case Management letters included in the order LS-22 OTC Issued Letter Order To Comply to be mailed 11/12/2015 15-01074.doc (Pending Approval)	01/09/2016
11/04/2015	Event -Misc (Entry updated 11/04/2015 by usbrws ) OTC referral approved ready for typing	
11/04/2015	Event -Investigator Assigned (Entry updated 11/04/2015 by usbrws ) Case assigned to Robert Smith by Robert Smith	
10/29/2015	Event -Case Transfered (Entry updated 10/29/2015 by usnml1 ) Case transferred from district 20 to district 13 by Maritza Lamboy	
10/29/2015	Event -Refer for OTC (Entry updated 10/29/2015 by usnml1 ) Case transferred to dist 13 for the issuance of an OTC 2014005000.pdf	
10/28/2015	Status Change -Pending Payment -System Log (Entry updated 10/28/2015 by USAFE3 )	
10/28/2015	Contact -System Log (Entry updated 10/28/2015 by USAML1 ) A change to the audit is awaiting approval	
10/28/2015	System Log (Entry updated 10/28/2015 by USAML1 ) 2 claim(s) had Liquidated Damages applied to them	
10/28/2015	Status Change -Investigation Active-Notify Investigator -System Log (Entry updated 10/28/2015 by USAFE3 )	
+ 10/28/2015	Contact -System Log (Entry updated 10/28/2015 by USAFE3 ) Claim was returned from monetary for J. Ajanel (1329743)	
+ 10/28/2015	Contact -System Log (Entry updated 10/28/2015 by USAFE3 ) An approval has been entered by Favio Escudero	
10/28/2015	Status Change -Pending Payment -System Log (Entry updated 10/28/2015 by USAFE3 )	
10/28/2015	Contact -System Log (Entry updated 10/28/2015 by USAML1 ) A change to the audit is awaiting approval	
10/28/2015	Status Change -Investigation Active-Notify Investigator -System Log (Entry updated 10/28/2015 by USAFE3 )	
10/28/2015	Event -Investigator Assigned (Entry updated 10/28/2015 by USAFE3 ) Case assigned to Man Chi Lee by Favio Escudero	
10/20/2015	Event -Misc (Entry updated 10/20/2015 by BCDPT3 ) Accurint search on Kum kang Inc and Jay yoo are done, files uploaded to e-doc	
08/27/2015	Contact -Admin Action (Entry updated 08/27/2015 by USAFE3 ) Underpayment has not been remitted Er also failed to contact us Case transferred to Ammane Walters to complete OTC documents	
07/10/2015	Contact -Phone (Entry updated 07/22/2015 by usahbk ) As per Sr LSI contacted Mr Lee CPA and rep of the company but LSI did not receive any further information	
07/01/2015	Contact -Admin Action (Entry updated 07/01/2015 by usahbk ) LS18 which address confirmation send to Jaime Peralta was returned to DOL with "insufficient address unable to forward" The clmt was not under LS20 2014005000 and it was tossed to another Kum Gang San (LS20 2015003177)	
	Contact -Admin Action	

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06/30/2015	(Entry updated 06/30/2015 by usapbb ) COMPLAINT LETTER MAILED TO THE CLAIMANT WAS RETURNED BY THE POST OFFICE (INSUFFICIENT ADDRESS) <a href="#">image2015-06-18-143633-JAIME PERALTA.pdf</a>
06/24/2015	Contact -Admin Action (Entry updated 06/24/2015 by usahbk ) This is correct attachment for the case Attached attachment dated 6/17/2015 should be ignored All packages, ER letter NOV and Recap <a href="#">Kum Ganq Inc msg</a>
06/17/2015	Contact -Admin Action (Entry updated 06/17/2015 by usahbk ) All packages, ER letter, NOV and recap served to ER and his rep by mail <a href="#">Search by phone Phone Search Reverse Lookup &amp; Reverse Phone Search - PeopleLookup.mht</a>
06/16/2015	Contact -Admin Action (Entry updated 06/16/2015 by bchab3 ) Reviewed case ok to serve
+ 06/16/2015	Contact -System Log (Entry updated 06/16/2015 by bchab3 ) An approval has been entered by Emy Bautista
06/16/2015	Status Change -Pending Payment -System Log (Entry updated 06/16/2015 by bchab3 )
06/16/2015	Contact -System Log (Entry updated 06/16/2015 by usahbk ) A change to the audit is awaiting approval
06/16/2015	Contact -System Log (Entry updated 06/16/2015 by usahbk ) A change to the audit is awaiting approval
06/16/2015	Contact -System Log (Entry updated 06/16/2015 by usahbk ) Wage Statement/Records/Payment for M 3rd Party (1402461) for \$ 0 was added by Haing Bo Kim
06/16/2015	Contact -System Log (Entry updated 06/16/2015 by usahbk ) Minimum Wage for M 3rd Party (1402461) for \$ 0 was deleted by Haing Bo Kim
06/16/2015	Event -Claimant Update (Entry updated 06/16/2015 by usahbk ) MTR 3rd Party (1402461) had their; phone number changed by Haing Bo Kim
06/12/2015	Contact -System Log (Entry updated 06/12/2015 by usahbk ) Unlawful Deductions for L Lanos (1407547) for \$ 70 75 was added by Haing Bo Kim
06/12/2015	Contact -System Log (Entry updated 06/12/2015 by usahbk ) Minimum Wage for L Lanos (1407547) was changed from \$ 60715 to \$61115 by Haing Bo Kim
06/12/2015	Event -Claimant Update (Entry updated 06/12/2015 by usahbk ) Lucas Lanos (1407547) had their; ssn changed by Haing Bo Kim
06/12/2015	Contact -System Log (Entry updated 06/12/2015 by usahbk ) Minimum Wage for L Lanos (1407547) was changed from \$ 61036 75 to \$60715 by Haing Bo Kim
06/12/2015	Event -Claimant Update (Entry updated 06/12/2015 by usahbk ) Lucas Lanos (1407547) had their; ssn changed by Haing Bo Kim
06/11/2015	Contact -System Log (Entry updated 06/11/2015 by usahbk ) Minimum Wage for L Lanos (1407547) was changed from \$ 61076 to \$61036 75 by Haing Bo Kim
06/11/2015	Event -Claimant Update (Entry updated 06/11/2015 by usahbk ) Lucas Lanos (1407547) had their; ssn changed by Haing Bo Kim
06/05/2015	Contact -Admin Action (Entry updated 06/05/2015 by USAFE3 ) Senior LSI returned case to LSI to compute for 3 additional claimant and to explain regarding minor
05/27/2015	Contact -Admin Action (Entry updated 05/27/2015 by bchab3 ) Case returned for revision/clarification of final report regarding minor found
+ 05/20/2015	Contact -System Log (Entry updated 05/20/2015 by usaln3 ) Peralta Jaime added to case
05/14/2015	Contact -Admin Action (Entry updated 05/14/2015 by usbej1 ) SEE ATTACHED DOCUMENTS FOR SEGUNDO MANUEL QUITO <a href="#">SEGUNDO MANUEL QUITO.pdf</a>
05/13/2015	Contact -Admin Action (Entry updated 05/13/2015 by usbej1 ) SEE ATTACHED DOCUMENTS FOR CARLOS QUITO <a href="#">CARLOS QUITO.pdf</a>
	Contact -Admin Action (Entry updated 05/13/2015 by usbej1 )

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05/13/2015	SEE ATTACHED DOCUMENTS FOR JAIME PERALTA <u>JAIME PERALTA.pdf</u>
	Contact -Email (Entry updated 05/04/2015 by usahbk )
05/01/2015	3 additional claimants who were informed by Make the Road of New York (NGO) <u>RE Kum Gang San - additional workers (Complaint forms attached).msg</u>
	Event -Claimant Update (Entry updated 05/01/2015 by usahbk ) Carlos Quito (1407545) had their; last name changed by Haing Bo Kim
	Contact -Email (Entry updated 05/01/2015 by usahbk )
05/01/2015	Ms. Elizabeth Joynes informed that Make the Road New York (NGO) was appointed as representative by former employee Miguel Palacios <u>Additional claimant for Kum Gang San.msg</u>
	Contact -Phone (Entry updated 04/22/2015 by usdeag ) LSI Garcia recieved a phone call from Make The Road attorney Elizabeth Joins. Ms. joins stated that there were three additional people who are employed by Kum Gang San who would like to be added to the case. We verified if the three claimants had been already included in the case and two of the three were in the case already. Ms. joins stated that she will instruct her client to come in to the office to file a claim. We also informed Ms. Joins that she has one week to have her client be included since we cannot hold up the investigation. Ms. Joins stated that she will have her client come in and will email address for other claimants via email.
04/22/2015	
	Contact -Admin Action (Entry updated 03/25/2015 by USAFE3 ) Senior LSI reviewed case. Er letter revised. Case transferred to Sup for review
03/25/2015	
	Contact -Admin Action (Entry updated 03/24/2015 by usahbk ) Due to miscalculation for tip credit, underpayment was adjusted and re submit.
03/24/2015	
	Contact -System Log (Entry updated 03/24/2015 by usahbk ) Minimum Wage for M. Bemejez (1407542) was changed from \$ 8963.88 to \$9169.25 by Haing Bo Kim
03/24/2015	
	Event -Claimant Update (Entry updated 03/24/2015 by usahbk ) Manuel Perez Bemejez (1407542) had their; ssn changed by Haing Bo Kim
03/24/2015	
	Contact -System Log (Entry updated 03/24/2015 by usahbk ) Minimum Wage for L. Lanos (1407547) was changed from \$ 60839.83 to \$61076 by Haing Bo Kim
03/24/2015	
	Event -Claimant Update (Entry updated 03/24/2015 by usahbk ) Lucas Lanos (1407547) had their; ssn changed by Haing Bo Kim
03/24/2015	
	Contact -Admin Action (Entry updated 03/24/2015 by USAFE3 ) SLSI reviewed case. Case returned to LSI to fix computations
03/20/2015	
	Contact -Admin Action (Entry updated 03/20/2015 by usahbk ) Submit to review to Sr. LSI
03/18/2015	
	Event -Claimant Update (Entry updated 03/18/2015 by usahbk ) Lucas Lanos (1407547) had their; first name changed by Haing Bo Kim
03/18/2015	
	Contact -System Log (Entry updated 03/18/2015 by usahbk ) Unlawful Deductions for J Gonzalez (1407543) for \$ 15 was added by Haing Bo Kim
03/18/2015	
	Event -Claimant Update (Entry updated 03/18/2015 by usahbk ) Jose Gonzalez (1407543) had their; ssn changed by Haing Bo Kim
03/10/2015	
	Event -Claimant Update (Entry updated 03/10/2015 by usahbk ) Sandos Gonzalez (1407544) had their; rate changed by Haing Bo Kim
03/10/2015	
	Contact -System Log (Entry updated 03/10/2015 by usahbk ) Minimum Wage for M. Palacios (1329744) was changed from \$ 0 to \$25987.88 by Haing Bo Kim
03/10/2015	
	Event -Claimant Update (Entry updated 03/10/2015 by usahbk ) Miguel Palacios (1329744) had their; begin date, ack letter changed by Haing Bo Kim
+	
03/10/2015	
	Contact -System Log (Entry updated 03/10/2015 by usahbk ) Minimum Wage for F. Padeco (1407562) for \$ 87414 was added by Haing Bo Kim
03/10/2015	
	Event -Claimant Update (Entry updated 03/10/2015 by usahbk ) Jose Gonzalez (1407543) had their; phone number changed by Haing Bo Kim
03/10/2015	
	Contact -System Log (Entry updated 03/10/2015 by usahbk ) Minimum Wage for J. Ajanel (1329743) was changed from \$ 0 to \$86357.25 by Haing Bo Kim
03/10/2015	
	Event -Claimant Update (Entry updated 03/10/2015 by usahbk ) Juan Carlos Ajanel (1329743) had their; begin date, end date, ack letter changed by Haing Bo Kim

02/18/2015 Contact -System Log  
(Entry updated 02/18/2015 by usahbk )  
Minimum Wage for 14 3rd Party (1402461) for \$ 0 was added by Haing Bo Kim

02/18/2015 Contact -Phone  
(Entry updated 02/18/2015 by usahbk )  
Regarding status of the case, received a call from Ms. Liz, atty of Make the Road NY

10/09/2014 Contact -Email  
(Entry updated 10/09/2014 by usahbk )  
Regarding as furnish record, employer was advised  
RE KumGanoSan Rest 8 8 2014.msg

10/01/2014 Contact -Email  
(Entry updated 10/01/2014 by usahbk )  
Employer responded to our questions, minor and record furnish. She was advised to furnish payroll records. She informed that the minor labor will be out of his working station without birth certificate  
RE KumGanoSan Rest.msg

09/29/2014 Contact -Email  
(Entry updated 09/29/2014 by usahbk )  
Regarding minor and payroll records, advice delivered to contact person Ms. Kim  
RE From KumGanoSan Rest ID.msg

09/29/2014 Contact -Email  
(Entry updated 09/29/2014 by usahbk )  
Regarding furnish payroll and minor, employer was advised: records were not provided all requested and minor should be away from working station without legal birth certificated.

09/04/2014 Contact -Field Visit  
(Entry updated 09/05/2014 by usahbk )  
Obtained copy the suspected minor, Juan Morales. He worked at the cooking line at the time. By the his ID, its issued by no agency but sealed by "Authenticity Genuine".  
kumkangsan minor.msg

09/02/2014 Contact -Phone  
(Entry updated 09/02/2014 by USNSMS )  
Phone call received from claimant Juan Carlos Anajel regarding ticket #554679. LSI disclosed LSI  
Haing Bo Kim's contact information to Mr. Anajel. Mr. Anajel may be contacted at [REDACTED]

08/28/2014 Contact -Admin Action  
(Entry updated 08/28/2014 by usahbk )  
Received partial payroll records the period from 7/28/14-8/17/14 of working schedules and payroll journal. It's a hand delivered by Ms. Liz Kim, part time worker of the firm.

08/21/2014 Contact -Fax Received  
(Entry updated 08/22/2014 by usahbk )  
Received a proof of minor, Juan Morales Mejia from Mr. Lee, manager of the restaurant. By this card, he was born 1996 but it was hard to figure an issued agency and picture of minor.

08/20/2014 Contact -Phone  
(Entry updated 08/22/2014 by usahbk )  
Employer requested an extension days for PR furnish. 1 week extended as per Ms. Bautista, Supervising LSI

08/12/2014 Contact -Email  
(Entry updated 08/13/2014 by usahbk )  
Updated information for interviewed employee, Santos Gonzalez. His contact number is [REDACTED]  
Updated contact number for interviewed EE  
Kum Kang Inc.msg

08/11/2014 Contact -Fax Received  
(Entry updated 08/11/2014 by usahbk )  
Requested recent payroll was received from their accountant, Mr. Lee.

08/08/2014 Contact -Field Visit  
(Entry updated 08/11/2014 by usahbk )  
1st visited with Mr. Escudero, Sr LSI and Ms. Garcia, LSIT. There were more than 15 employees worked at the restaurant which 3 stored, including basement. The restaurant is located at main business district in Korean town, Manhattan. It opens from 7AM to 2AM, no closed in year. (Prior this year it opened 24hours) Time cards located near reception area in 1st floor but none used. LSI29 with Mr. Lee Sang Man, manager and he alleged that daily record was reported by time card until beginning of this year and none use after broken. All staffs work by schedules in departments, kitchen and serving hall and obtained this schedules. While investigation, Mr. Escudero informed this writer that some were ordered to go out by menageric group and employees were afraid of to speak with investigator or/and refused. 12 employees interviewed with their native languages, Spanish and Korean. They alleged that they are being paid by cash, salary on Monday, no daily attendance since February of this year, work by schedule various working hours, 8 days. 2-3 free meals per day but an employee stated that he paid \$3 for meal from 10minutes up to 2 hours for meal break, no uniform required for kitchen staffs and server should be wear black pants and white shirts which should purchased the pointed place by employer. one of interviewed employee was deducted amount for equipment, knife. Others, found suspicious minor who named as Juan Morales and he does cook in kitchen when LSI got into kitchen without any ID. He was ordered to stop to work and leave the premises until proved of his age. At the time, employer was not available to prove his age with official documentary and was asked to furnish a proof of his age ASAP. Issued via 138. Spoke with their accountant, Mr. Lee (212)779-2412 and he will provide last payroll records. All records are keeping at the main office, Flushing. Revisit for payroll exam would be on 8/22/14.

07/23/2014 Event -Investigator Assigned  
(Entry updated 07/23/2014 by usbkpc )  
Case assigned to Haing Bo Kim by Kam Piu Chan

07/23/2014 Status Change -Investigation Active -System Log  
(Entry updated 07/23/2014 by usbkpc )

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07/23/2014	<b>Event -Case Transfered</b> (Entry updated 07/23/2014 by us0spc ) Case transfered from district 01 to district 20 by Sue Chan-Leung
07/21/2014	<b>Contact -Admin Action</b> (Entry updated 07/21/2014 by usapaf ) Minimum Wage claim for Juan Ajanel <u>Juan Ajanel.pdf</u>
07/21/2014	<b>Contact -Admin Action</b> (Entry updated 07/21/2014 by usapaf ) Claim for Minimum Wage for Miguel Palacios <u>Miguel Palacios.pdf</u>
07/16/2014	<b>Contact -System Log</b> (Entry updated 07/16/2014 by USBWRH ) Palacios, Miguel added to case
07/16/2014	<b>Status Change -Investigation Pending -System Log</b> (Entry updated 07/16/2014 by USBWRH ) Claim has been made into a case

**Haing B Kim**  
Labor Standards Investigator

**New York State Department of Labor**  
Division of Labor Standards  
75 Varick Street 7<sup>th</sup> Floor  
New York NY 10013

Phone: 212-775-3661  
Fax: 212-775-3375  
Email: [Haing.kim@labor.ny.gov](mailto:Haing.kim@labor.ny.gov)  
[www.labor.ny.gov](http://www.labor.ny.gov)

June 16, 2015

Mr. Kang Youl Lee CPA  
303 5<sup>th</sup> Avenue Suite 1107  
New York, NY 10016

LS20 2014005000 vs Mr. Ji Sung Yoo and Kum Gang San

Dear Mr. Lee:

This letter is in reference to the investigation conducted by this department in the above-referenced case of your client, Kum Gang San. On 08/08/2014, we made a field visit for initial inspection to Kum Kang San located on 49 W. 32nd Street, New York, NY 10016. During this visit, we spoke with Mr. Sang Min Lee who identified himself as manager of the restaurant. He provided basic business information and copy of record; however, he indicated that most records are kept at the Flushing office. We observed 15 employees at the premise and an underage employee Juan Morales who worked as a cook and failed to provide identification. He was ordered to go home since he and your client failed to provide proof of his age. We conducted employee interviews and employees stated to work more than 40 hours per week and to earn a weekly set salary. Furthermore, some employees take less than ½ hours for meal break and are charged \$3 for meal. One employee indicated having \$15 deducted from his pay for material loss or damage (knife). A notice of revisit scheduled for 9/3/2014 to inspect records from 06/2011 to 08/2014 was served to your client.

On 8/11/2014, you provided recent payroll journal for 8/2/2014 weekending. On 9/2014, your client provided a partial payroll records for the week ending 8/2/2014 to 8/17/2014. Based on the available information provided, we have concluded that your client failed to keep true and accurate records for all employees. There were no wage statements, bank statement, NYS 45 furnished. Your client also failed to provide a notice of pay to employees. Furthermore, records indicate 22 employees including one Spanish speaking employee. However, during our initial field visit we observed more than 10 Spanish speaking employees. Also, records did not corroborate with employee interviews or claims. Regarding minor, your client provided identification which was issued by non-governmental agency; therefore, we consider this identification to be invalid.

Due to lack of records maintained by your client, the computations are based on information provided by claimants and taken interviews in initial visit.





As an example, claimant Juan Carlos Ajanel worked 66 hours per week, 6 days, 1 hour for meal break, at a rate of \$550.00 per week the period 2011 to 2012 as kitchen worker.

Regular wage rate of pay for the 40 hours worked per week =  $\$550.00 / 40 \text{ hours} = \$13.75 \text{ per hour}$ ;

Overtime rate of pay =  $\$20.63 (\$13.75 * 1.5) \text{ per hour}$ ;

Weekly wage earned for the 40 hours =  $\$13.75 * 40 \text{ hours} = \$550 \text{ per week}$ ;

Weekly wages earned for overtime 26 hours worked =  $\$20.63 * 26 \text{ hours} = \$536.38$ ;

Total weekly wages earned for working 66 hours per week =  $\$1,086.38 (= \$550 + \$536.38)$ ;

Weekly underpayment =  $\$1,129.88 (\$1,086.38 \text{ weekly wages earned} + \$43.50 \text{ for spread of hour}) - \$580 (\$550 \text{ paid wage} + \$30 \text{ which } \$2.5 \text{ meal credit} * 2 \text{ times per day} * 6 \text{ days}) = \$549.88$ .

We are enclosing a Notice of Labor Law Violation for Article 19 section §661, 146.2-3, 146.2-2, Article 6 payment of wages §193.1, Article 4 Employment of Minors §138. (See attached) Be advised that these monetary violations carry a monetary penalty of up to \$2,000.00 each per week for the second time violation. Accordingly, we are imposing \$9,000 penalty. (138 is first time)

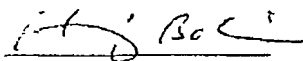
Please remit payment for **\$822,752.65** (\$651,019.26 for underpayment and illegal deduction plus \$162,733.39 for Liquidated Damages and plus \$9,000 for penalties) by check or money order payable to the Commissioner of Labor by 7/1/2015. Payment should be in the amount due after legal deductions. Please itemize to show differences between the gross and net amounts. Contact us by 6/26/2015 to discuss a payment plan if unable to make payment in full by deadline.

If you do not agree with the amount due and/or payable to the claimant(s), or would like to request a compliance conference to discuss and to try to resolve these issues please respond by 6/26/2015. Also, your case number (LS20 2014005000) and/or employer identification number [REDACTED] must be shown on all payments and correspondence submitted to the office.

Failure to remit payment will result in the issuance of an Order to Comply with 16% interest, civil penalties of up to 200%, and 100% liquidated damages assessed on the amount due, without further notice.

We look forward to your prompt attention to this matter. Should you have any question, please contact Senior Labor Standards Investigator Mr. Favio Escudero at 212-775-3626.

Sincerely,



Haing Bo Kim

Labor Standards Investigator

CC: Kum Gang San



Attention: Mr. Ji Sung Yoo

Kum Gang San

49 W. 32<sup>nd</sup> Street

New York, NY 10001

Attention: Mr. Ji Sung Yoo



New York State Department of Labor  
Andrew M. Cuomo, Governor  
Mario J. Musolino, Acting Commissioner

#### Notice of Payment Due

The reverse side of this letter shows the Labor Department's calculation of money owed to your employees. If you agree with the total, obtain a check or money order in that amount payable to the Commissioner of Labor. Mail your payment to the office checked below within 20 days. If you wish to discuss the details of the claim or the amount due, call the number listed for that office within 10 days to speak to an investigator.

Labor Standards offices and phone numbers:

- ☐ State Office Building, Albany, NY 12240, 518-457-2730
- ☐ 44 Hawley Street, Rm. 909, Binghamton, NY 13902, 607-721-8014
- ☐ 65 Court Street, Buffalo, NY 14202, 716-847-7141
- ☐ 400 Oak Street, Suite 101, Garden City, NY 11530, 516-794-8195
- ☒ 75 Varick Street, 7th Floor, NY, NY 10013, 212-775-3880
- ☐ 109 S. Union Street, Rochester, NY 14607, 585-258-4550
- ☐ 333 East Washington Street, Syracuse, NY 13202, 315-428-4057
- ☐ 120 Bloomingdale Road, White Plains, NY 10605, 914-997-9521

**Return a copy of this form with your payment to assure proper credit to your account.**

#### Warning

If you do not send the payment by the 20-day deadline or contact us about it within 10 days, we may issue an order to comply that will add a penalty to the amount owed. To obtain more information about this finding, call the number listed above.

An order to comply directs you to pay wages, benefits or supplements and adds interest charges at a rate set by the Superintendent of Banks under Section 14-a of the Banking Law. The interest rate is set each year and runs from the date of underpayment to the date the employee receives payment. The order to comply also adds a civil penalty of the total payment to the amount owed (Sections 218-219, New York State Labor Law).

Case # LS20 2014005000

## RECAPITULATION SHEET - PRELIMINARY REPORT

SUMMARY OF CLAIMS FOR UNPAID WAGES, WAGE SUPPLEMENTS OR WAGES DUE UNDER THE PROVISIONS OF THE MINIMUM WAGE ORDER AND/OR STATUTORY MINIMUM RATE UNDER THE NEW YORK STATE MINIMUM WAGE ACT, GOVERNING WAGES IN THE Hospitality INDUSTRY

NAME AND ADDRESS OF EMPLOYER		FEIN	INVESTIGATOR
Kum Kang Inc. 49 West 32nd St New York NY 10001		[REDACTED]	Haing Bo Kim
		ESTABLISHMENT I.D. LS20 2014005000	DATE
			06/16/2015

Note: Violation of the Wage and benefit Sections of the Labor Law is a misdemeanor for a first offense and a felony for a second offense. The amount listed on this Recapitulation Sheet is the total gross due to the employee(s) listed. If you remit the net amount due you must itemize the legal deductions for each employee separately on an additional sheet.

THE EMPLOYEES LISTED BELOW ARE DUE: Unlawful Deductions, Minimum Wage

NAME AND SOCIAL SECURITY NUMBER OF EMPLOYEE	ADDRESS	PERIOD COVERED BY CLAIM OR UNDER-PAYMENT	Amount Due	Gross Amount Due	Liquidated Damages	Total Liquidated Damages	Grand Total Due	TOTAL DEDUCTIONS	NET DUE AFTER ALL DEDUCTIONS
Ajanel, Juan Carlos	[REDACTED]	08/07/2011 to 08/03/2014	Min Wage \$86,357.25		\$21,589.31				
Total Amounts Due to: Ajanel, Juan Carlos				\$86,357.25		\$21,589.31	\$107,946.56		
Bernejez, Manuel Perez	[REDACTED]	01/05/2014 to 08/03/2014	Min Wage \$9,169.25		\$2,292.31				
Total Amounts Due to: Bernejez, Manuel Perez				\$9,169.25		\$2,292.31	\$11,461.56		
Gonzalez, Jose	[REDACTED]	08/07/2011 to 08/03/2014	Min Wage \$88,359.00		\$22,089.75				
Gonzalez, Jose	[REDACTED]	08/07/2011 to 08/03/2014	Deducts \$15.00		\$0.00				
Total Amounts Due to: Gonzalez, Jose				\$88,374.00		\$22,089.75	\$110,463.75		
Gonzalez, Sandos	[REDACTED]	08/07/2011 to 08/03/2014	Min Wage \$26,283.00		\$6,570.75				
Total Amounts Due to: Gonzalez, Sandos				\$26,283.00		\$6,570.75	\$32,853.75		

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Case # L820 2014005000

## RECAPITULATION SHEET - PRELIMINARY REPORT

SUMMARY OF CLAIMS FOR UNPAID WAGES, WAGE SUPPLEMENTS OR WAGES DUE UNDER THE PROVISIONS OF THE MINIMUM WAGE ORDER AND/OR STATUTORY MINIMUM RATE UNDER THE NEW YORK STATE MINIMUM WAGE ACT, GOVERNING WAGES IN THE Hospitality INDUSTRY

NAME AND ADDRESS OF EMPLOYER		INVESTIGATOR
Kum Kang Inc. 49 West 32nd St New York NY 10001	FEIN [REDACTED] ESTABLISHMENT I.D. L820 2014005000	Haing Bo Kim
		DATE
		06/16/2015

Note: Violation of the Wage and benefit Sections of the Labor Law is a misdemeanor for a first offense and a felony for a second offense. The amount listed on this Recapitulation Sheet is the total gross due to the employee(s) listed. If you omit the net amount due you must itemize the legal deductions for each employee separately on an additional sheet.

## THE EMPLOYEES LISTED BELOW ARE DUE: Unlawful Deductions, Minimum Wage

NAME AND SOCIAL SECURITY NUMBER OF EMPLOYEE	ADDRESS	PERIOD COVERED BY CLAIM OR UNDER-PAYMENT	Amount Due	Gross Amount Due	Liquidated Damages	Total Liquidated Damages	Grand Total Due	TOTAL DEDUCTIONS	NET DUE AFTER ALL DEDUCTIONS
Kim, Kyung Moon		08/07/2011 to 08/03/2014	Min Wage \$75,220.50		\$18,805.13				
Total Amounts Due to: Kim, Kyung Moon				\$75,220.50		\$18,805.13	\$94,025.63		
Larios, Lucas		08/07/2011 to 08/03/2014	Min Wage \$61,115.00		\$15,278.75				
Larios, Lucas		08/07/2011 to 08/03/2014	Deducts \$70.75		\$0.00				
Total Amounts Due to: Larios, Lucas				\$61,185.75		\$15,278.75	\$76,464.50		
Morales, Juan		06/15/2014 to 08/03/2014	Min Wage \$3,832.50		\$958.13				
Total Amounts Due to: Morales, Juan				\$3,832.50		\$958.13	\$4,790.63		
Padeco, Francisco		08/07/2011 to 08/03/2014	Min Wage \$87,414.00		\$21,853.50				
Total Amounts Due to: Padeco, Francisco				\$87,414.00		\$21,853.50	\$109,267.50		
Palacios, Miguel		08/07/2011 to 01/31/2013	Min Wage \$25,987.88		\$6,496.97				
Total Amounts Due to: Palacios, Miguel				\$25,987.88		\$6,496.97	\$32,484.85		

Case # LS20 2014005000

## RECAPITULATION SHEET - PRELIMINARY REPORT

SUMMARY OF CLAIMS FOR UNPAID WAGES, WAGE SUPPLEMENTS OR WAGES DUE UNDER THE PROVISIONS OF THE MINIMUM WAGE ORDER AND/OR STATUTORY MINIMUM RATE UNDER THE NEW YORK STATE MINIMUM WAGE ACT, GOVERNING WAGES IN THE Hospitality INDUSTRY

## NAME AND ADDRESS OF EMPLOYER

Kum Kang Inc.  
49 West 32nd St  
New York NY 10001

FEIN

ESTABLISHMENT I.D. LS20 2014005000

## INVESTIGATOR

Haing Bo Kim

## DATE

06/16/2015

Note: Violation of the Wage and benefit Sections of the Labor Law is a misdemeanor for a first offense and a felony for a second offense. The amount listed on this Recapitulation Sheet is the total gross due to the employee(s) listed. If you remit the net amount due you must itemize the legal deductions for each employee separately on an additional sheet.

## THE EMPLOYEES LISTED BELOW ARE DUE: Unlawful Deductions, Minimum Wage

NAME AND SOCIAL SECURITY NUMBER OF EMPLOYEE	ADDRESS	PERIOD COVERED BY CLAIM OR UNDER-PAYMENT	Amount Due	Gross Amount Due	Liquidated Damages	Total Liquidated Damages	Grand Total Due	TOTAL DEDUCTIONS	NET DUE AFTER ALL DEDUCTIONS
Quito, Carlos		08/07/2011 to 08/03/2014	Min Wage \$105,996.75		\$26,499.19				
Total Amounts Due to: Quito, Carlos				\$105,996.75		\$26,499.19	\$132,495.94		
Sardt, Gery		02/05/2012 to 08/03/2014	Min Wage \$81,198.38		\$20,299.60				
Total Amounts Due to: Sardt, Gery				\$81,198.38		\$20,299.60	\$101,497.98		
TOTAL GROSS AMOUNT				\$651,019.26	TOTAL LIQUIDATED DAMAGES	\$162,733.39	\$813,752.65		



State of New York  
Department of Labor  
Division of Labor Standards

### Notice of Labor Law Violation

Employer

**Kum Gang San**

FEIN: [REDACTED]

Phone: (212) 967-0909

Entity Type: Corporation

Case ID#: LS20 2014005000

Job Location (if different):

**Name and Address:**

Kum Gang San  
49 West 32nd St  
New York NY 10001

Investigation

**Responsible Person Notified:**

(Name, Title, Address)

Mr. T. Sung Yoon (owner)  
138-28 Northern Blvd.  
Flushing, NY 11354

Violation Date and Time: In 2011 ~ 2014

Date of Issuance: 2015

Phone: \_\_\_\_\_

**A VIOLATION OF THE WAGE AND BENEFIT SECTIONS OF CHAPTER 31 IS A MISDEMEANOR FOR A FIRST OFFENSE AND A FELONY FOR A SECOND OFFENSE, WITH PENALTIES AS PRESCRIBED BY LAW. YOU ARE HEREBY NOTIFIED TO TAKE IMMEDIATE ACTION TO COMPLY WITH ALL PROVISIONS OF THE LAW.**

Carmine Ruberto, Director  
FOR THE COMMISSIONER OF LABOR

By: Haing Bo Kim  
LABOR STANDARDS INVESTIGATOR



State of New York  
Department of Labor  
Division of Labor Standards

## Notice of Labor Law Violation

### Report of Findings

Violation of the sections of the Labor Law noted on this report may subject you to an assessment of a civil penalty pursuant to Labor Law Sections 141, 218, 345 and 361. **If you wish to discuss these findings please contact the district office below within 10 days of the date of issuance of this Notice of Labor Law Violation.** Address your request to:

New York State Dept of Labor  
Division of Labor Standards  
75 Varick Street  
7th Floor  
New York NY 10013

I hereby request a meeting to discuss these findings with the Division of Labor Standards.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Name, Address and Phone Number (if different from above)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Article 19 - Minimum Wage Act and Minimum Wage Orders

Part 146-2.3 Furnish to each employee a statement with every payment of wages listing the hours worked, rates paid, gross wages, any allowances claimed, deductions, and net wages (Hospitality Industry).

### Article 6 - Payment of Wages

§ 193.1 Discontinue deducting money from your employee's wages to cover charges not permitted by law.

§ 195.1 Notify employees, at the time of hire, of the rate of pay and of the regular pay day designated in advance by the employer

### Article 4 - Employment of Minors

§ 138 Discharge minors apparently under 18, or file within 10 days evidence as required by the education law, that minor(s) are over the age for which a certificate is required

### Article 19 - Minimum Wage Act and Minimum Wage Orders

§ 661 Keep and have available for inspection a true and accurate record for each employee, showing daily and weekly hours worked, gross wages, deductions, any allowances claimed and net wages, and all other records required under the Minimum Wage Order for this industry found in NYS Codes, Rules and Regulations Title 12, Parts 137, 138, 141, 142,





New York State Department of Labor  
Andrew M. Cuomo, Governor  
Mario J. Musolino, Acting Commissioner

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Date: November 12, 2015

JiSung Sung Yoo A/K/A Ji Sung Yoo  
A/K/A Jay Yoo and  
Kum Kang Inc  
(T/A Kum Gang San)  
49 West 32nd Street  
New York, NY 10001

Refer to: Order to Comply No.  
15-01074

**NOTICE**

The attached Order(s) to Comply list(s) wages due and owing, interest assessed to the date of the Order, and any civil penalty assessed.

The law requires interest to accrue until payment is received; however, satisfactory compliance with this Order will be met if the total amount due including interest and any civil penalty is paid within 10 days of the receipt of the Order(s). Your check or money order for the total amount including interest and any civil penalty should be made payable to the "Commissioner of Labor" and submitted in the self-addressed envelope enclosed.

If you have any questions regarding the attached Order(s), please contact Supervising Investigator, New York State Department of Labor, Division of Labor Standards, Monetary Services, State Office Bldg. Campus, Bldg 12, Rm 185B, Albany, NY 12240.

For the Commissioner of Labor

A handwritten signature in cursive script, reading "Carmine Ruberto".

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Carmine Ruberto, Director  
Division of Labor Standards

Attachment



New York State Department of Labor  
 Andrew M. Cuomo, Governor  
 Mario J. Musolino, Acting Commissioner

Date: November 12, 2015

**ORDER TO COMPLY WITH ARTICLE 19  
 OF THE NEW YORK STATE LABOR LAW**

Refer to: Order to Comply No.  
 15-01074

JiSung Sung Yoo A/K/A Ji Sung Yoo  
 A/K/A Jay Yoo and  
 Kum Kang Inc.  
 (T/A Kum Gang San)  
 49 West 32nd Street  
 New York, NY 10001

Minimum Wage:	\$650,933.51
Interest at 16.0%	\$139,222.96
Liquidated Damages 100.0%	\$650,933.51
Civil Penalty	\$650,933.51
<b>Total Due:</b>	<b>\$2,092,023.49</b>

Upon investigation the Commissioner of Labor FINDS:

- A. At all times mentioned in this Order the above named was an Employer as defined in Section 651.6 of the New York State Labor Law and conducted business at the above address.
- B. Said Employer employed the person(s) named on the attached Schedule of Underpayments for the periods set forth therein, in occupations which were subject to the provisions of Section 652 of the New York State Labor Law
- C. The aforesaid employment was subject to Article 19 of the New York State Labor Law and the Minimum Wage Order of Title 12 NYCRR Part No. 146. During the designated period the Employer paid the named employee(s) a wage rate below the minimum prescribed in such Minimum Wage Order
- D. There is due and owing by the Employer to the said employee(s) the sum as indicated above for underpayment of wages.
- E. There is also due and owing by the Employer to the said employee(s) interest at the above rate to the above date in the sum indicated above, which shall continue to accrue at the said rate until the aforesaid wages are paid
- F. There is also due and owing by the Employer to the said employee(s) liquidated damages in the amount of one hundred (100) percent of wages due and owing



**New York State Department of Labor**  
Andrew M. Cuomo, *Governor*  
Mario J. Musolino, *Acting Commissioner*

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**Refer to: 15-01074**

- G. There is due and owing by the Employer to the Commissioner of Labor a civil penalty in the above amount. In determining the penalty the following have been given due consideration. the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations and the failure to comply with record keeping or other non-wage requirements as revealed by an investigation conducted by the Division of Labor Standards.



New York State Department of Labor  
 Andrew M. Cuomo, Governor  
 Mario J. Musolino, Acting Commissioner

Date: November 12, 2015

**Schedule of Minimum Wage Underpayments**

Refer to: Order to Comply No.  
 15-01074

**NAME OF EMPLOYER AND ADDRESS OF PLACE OF EMPLOYMENT**

JiSung Sung Yoo A/K/A Ji Sung Yoo  
 A/K/A Jay Yoo and  
 Kum Kang Inc.  
 (T/A Kum Gang San)  
 49 West 32nd Street  
 New York, NY 10001

**NAME, ADDRESS, SS#, & ID# OF EMPLOYEE**

**OCCUPATIONAL CLASSIFICATION**

**PERIOD COVERING  
 FROM TO**

**TOTAL DUE**

Ajanel, Juan Carlos [REDACTED] LCT1329743	Kitchen Worker	08/07/2011	08/03/2014	\$86,357.25
Bernejez, Manuel Peiez LCT1407542	Busboy	01/05/2014	08/03/2014	\$9,169.25
Gonzalez, Jose [REDACTED] LCT1407543	Kitchen staff	08/07/2011	08/03/2014	\$88,359.00



New York State Department of Labor  
 Andrew M. Cuomo, Governor  
 Mario J. Musolino, Acting Commissioner

Refer to: 15-01074

Gonzalez, Sandos	Cook	08/07/2011	08/03/2014	\$26,283.00
[REDACTED]				
LCT1407544				
Kim, Kyung Moon	Kitchen Worker	08/07/2011	08/03/2014	\$75,220.50
LCT1407546				
Larios, Lucas	Busboy	08/07/2011	08/03/2014	\$61,115.00
[REDACTED]				
LCT1407547				
Morales, Juan	Cook	06/15/2014	08/03/2014	\$3,832.50
[REDACTED]				
LCT1407561				
Padeco, Francisco	Kitchen Worker	08/07/2011	08/03/2014	\$87,414.00
[REDACTED]				
LCT1407562				
Palacios, Miguel	Busboy	08/07/2011	01/31/2013	\$25,987.88
[REDACTED]				
LCT1329744				
Quito, Carlos	Busboy	08/07/2011	08/03/2014	\$105,996.75
[REDACTED]				
LCT1407545				
Sardt, Gery	Cook	02/05/2012	08/03/2014	\$81,198.38
[REDACTED]				
LCT1407581				
TOTAL				\$650,933.51



New York State Department of Labor  
 Andrew M. Cuomo, Governor  
 Mario J. Musolino, Acting Commissioner

Date: November 12, 2015

**ORDER TO COMPLY WITH ARTICLE 6  
 OF THE NEW YORK STATE LABOR LAW**

Refer to: Order to Comply No.  
 15-01074

JiSung Sung Yoo A/K/A Ji Sung Yoo  
 A/K/A Jay Yoo and  
 Kum Kang Inc.  
 (T/A Kum Gang San)  
 49 West 32nd Street  
 New York, NY 10001

Unlawful Deductions	<b>\$85.75</b>
Interest at 16.0%:	<b>\$14.45</b>
Liquidated Damages 100.0%	<b>\$85.75</b>
Civil Penalty:	<b>\$85.75</b>
Total Due:	<b>\$271.70</b>

Upon investigation the Commissioner of Labor FINDS:

- A. At all times mentioned in this Order the above named was an Employer as defined in Section 190.3 of the New York State Labor Law and conducted business at the above address.
- B. Said Employer employed the person(s) named on the attached Schedule of Unlawful Deductions for the periods set forth therein.
- C. Said Employer made deductions from wages earned by the employee(s) in the amounts shown above for the periods designated in the attached Schedule of Unlawful Deductions contrary to the provisions of Section 193 of the New York State Labor Law.
- D. There is due and owing by the Employer to the said employee(s) the sum as indicated above for unlawful deductions from wages.
- E. There is also due and owing by the Employer to the said employee(s) interest at the above rate to the above date in the sum indicated above, which shall continue to accrue at the said rate until the aforesaid unlawful deductions are paid.
- F. There is also due and owing by the Employer to the said employee(s) liquidated damages in the amount of one hundred (100) percent of wages due and owing
- G. There is due and owing by the Employer to the Commissioner of Labor a civil penalty in the above amount. In determining the penalty the following have been given due consideration: the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations and the failure to comply with record keeping or other non-wage requirements as revealed by an investigation conducted by the Division of Labor Standards.



New York State Department of Labor  
 Andrew M. Cuomo, Governor  
 Mario J. Musolino, Acting Commissioner

Date: November 12, 2015

**Schedule of Unlawful Deductions**

Refer to: Order to Comply No.  
 15-01074

**NAME OF EMPLOYER AND ADDRESS OF PLACE OF EMPLOYMENT**

JiSung Sung Yoo A/K/A Ji Sung Yoo  
 A/K/A Jay Yoo and  
 Kum Kang Inc.  
 (T/A Kum Gang San)  
 49 West 32nd Street  
 New York, NY 10001

NAME, ADDRESS, SS#, & ID# OF EMPLOYEE	OCCUPATIONAL CLASSIFICATION	PERIOD COVERING		TOTAL DUE
		FROM	TO	
Gonzalez, Jose [REDACTED] LCT1407543	Kitchen staff	08/07/2011	08/03/2014	\$15.00
Larios, Lucas [REDACTED] LCT1407547	Busboy	08/07/2011	08/03/2014	\$70.75
<b>TOTAL</b>				<b>\$85.75</b>



New York State Department of Labor  
Andrew M. Cuomo, Governor  
Mario J. Musolino, Acting Commissioner

Date: November 12, 2015

**ORDER UNDER ARTICLE 4, 6 AND 19  
OF THE NEW YORK STATE LABOR LAW**

Refer to: Order to Comply No.  
15-01074

JiSung Sung Yoo A/K/A Ji Sung Yoo  
A/K/A Jay Yoo and  
Kum Kang Inc.  
(T/A Kum Gang San)  
49 West 32nd Street  
New York, NY 10001

**Civil Penalties:**

Count 1	-	\$2,000.00
Count 2	-	\$2,000.00
Count 3	-	\$2,000.00
Count 4	-	\$2,000.00
Count 5	-	\$1,000.00
Total	-	\$9,000.00

Upon investigation the Commissioner of Labor FINDS:

- A. At all times mentioned in this Order, the above named was an employer as defined in New York State Labor Law and conducted business at the above address
- B. Said employer employed employees as defined in New York State Labor Law.

**Count 1**

- C. That said employer violated section 661 of Article 19 of the New York State Labor Law as supplemented by the Hospitality Industry Wage Order, Part 146 of Title 12 of the Official Compilation of Codes, Rules and Regulations, Section 2 1, by failing to keep and/or furnish true and accurate payroll records for each employee. Said employer was duly requested to provide payroll records for the period of time from on or about August 7, 2011 through August 3, 2014.





New York State Department of Labor  
Andrew M. Cuomo, Governor  
Mario J. Musolino, Acting Commissioner

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Refer to: 15-01074

**Count 2**

- D. That said employer violated Section 661 of Article 19 of the New York State Labor Law as supplemented by the Hospitality Industry Wage Order, Part 146 of Title 12 of the Official Compilation of Codes, Rules and Regulations, Section 2.2 by failing to furnish to each employee at the start of employment, written notice in English and any other language spoken by the new employee as their primary language, of the employee's regular hourly rate of pay, overtime hourly rate of pay, the amount of tip credit, if taken and the regular payday. Said employer failed to furnish this notice during the period from on or about August 7, 2011 through August 3, 2014.

**Count 3**

- E. That said employer violated Section 661 of Article 19 of the New York State Labor Law as supplemented by the Hospitality Industry Wage Order, Part 146 of Title 12 of the Official Compilation of Codes, Rules and Regulations, Section 2.3 by failing to furnish to each employee a statement with every payment of wages, listing the hours worked, rates paid, gross wages earned, any allowances claimed, deductions and net wages during the period from on or about August 7, 2011 through August 3, 2014.

**Count 4**

- F. That said employer violated Section 193.1 of Article 6 of the New York State Labor Law by making prohibited deductions from the wages of employees. Said employer made deductions from employee wages from on or about August 7, 2011 through August 3, 2014.

**Count 5**

- G. That said employer violated Section 138 of Article 4 of the New York State Labor Law by failing to furnish evidence that Juan Morales is over the age for which an employment certificate is required.



New York State Department of Labor  
Andrew M. Cuomo, Governor  
Mario J. Musolino, Acting Commissioner

Order to Comply No  
15-01074

NOW, upon the foregoing findings and giving due consideration to the statutory criteria of the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations, as revealed by the investigation of the division of Labor Standards and reports of any conferences with the employer, and by the authority of section 218 of the Labor Law, it is hereby

ORDERED, that the employer comply with the provisions of the Labor Law by remitting to the Commissioner of Labor the total sum as indicated above, for any wages due, plus interest and/or civil penalties assessed, to be disbursed according to law, and it is further

ORDERED that, in the event that the wages due, interest thereon, liquidated damages and the civil penalty assessed are not paid within 60 days following the service of a certified copy of this Order upon the employer, and no petition has been filed by the employer with the Industrial Board of Appeals for review of this determination, said Order may be filed with the County Clerk where the employer resides or has a place of business, and the Clerk shall without further notice enter judgment pursuant to Section 218 and Section 219 of the New York State Labor Law in the total amount indicated above with the stated rate of interest from the date hereof until payment.

For the Commissioner of Labor

A handwritten signature in dark ink, appearing to read "Carmine Ruberto".

Carmine Ruberto, Director  
Division of Labor Standards

**Dated: November 12, 2015**

If you are aggrieved by this Order, you may appeal within 60 days from the date issued to the Industrial Board of Appeals as provided by Section 101 of the Labor Law. Your appeal should be addressed to the Industrial Board of Appeals, Building 12, Room 116, The Governor Averell Harriman State Office Building Campus, Albany, NY 12240

For a copy of the Rules of Procedure, contact the Board at the above address, by visiting their web site at <http://www.labor.ny.gov/iba> or by calling 518-474-4785.

Checks and money orders should be made payable to the Commissioner of Labor and sent to the New York State Department of Labor, Division of Labor Standards, Interest Penalty and Collection Section, Room 185B, Building 12, The Gov. Averell Harriman State Office Building Campus, Albany, NY 12240

*I hereby certify that this is a true and accurate copy of the original Order to Comply on file with the New York State Department of Labor, Division of Labor Standards, Albany, New York 12240*

A handwritten signature in dark ink, appearing to read "J. Fabian".

Certified this 12th day of November, 2015

Supv Labor Standards Investigator